

# Developing agritourism and tourism on a farm in Bathurst



This guide outlines what types of agritourism and tourism accommodations and experiences are permitted by NSW Planning Legislation on commercial farms in the Bathurst Local Government Area. It aims to help Bathurst farmers who are interested in diversifying their farm incomes with tourism.

### Council's Planning Officers can help you with advice on

- What types of agritourism and tourism developments are permitted on your farm
- How to distinguish between different types of similar development (such as short-term rental accommodation (STRA) and a farm stay accommodation)
- What approval pathways might be an option for you (Development Approval (a DA), or a fast-tracked approval (complying development), or in what circumstances no approval is needed (if certain conditions are met)
- The exact requirements for developments as specified in the state planning legislation.

Council offers a free meeting with a planner called a Pre-Development Application meeting.

Council's economic development officers are also happy to meet with you and support you in developing an agritourism or tourism offering on your farm.

*Bathurst Regional Council acknowledges the Wiradjuri People as the Traditional Custodians of the land in the Bathurst Region. We pay respect to Elders, past, present, and emerging and acknowledge all Aboriginal and Torres Strait Islander people who live, work and play in the Bathurst region.*

*Front cover image:*

*Bathurst Grange Distillery, Bathurst, Destination NSW*

## Contents

What is agritourism? .....	2
Approval for your agritourism or tourism development .....	3
The importance of compliance .....	4
What types of agritourism and tourism can I have on my farm? .....	5
Agritourism accommodation types .....	9
Tourism accommodation types .....	10
Do I need approval from Council to host camping on Hipcamp or list accommodation on Airbnb? .....	12
Agritourism offerings .....	13
Non-accommodation tourism offerings .....	15
Agritourism developments that are exempt from requiring approval .....	18
Complying (fast track) agritourism developments .....	19
Planning approval steps to developing agritourism or tourism on your farm .....	20
Other permits, licenses and requirements .....	21
Local contacts and agritourism development resources .....	22

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## What is agritourism?

Agritourism is an on-farm tourism experience that connects guests to farmers and their farming activities and produce.

Some types of tourism offerings can also be developed on farms with approval. An example is a bed and breakfast with rural views, where the guests do not interact with the farmer or their farming or produce.

There are lots of **benefits for farmers** from having agritourism and tourism on the farm. The additional income can help with cash flow, reduce debt, and diversify farm income to reduce risk, and enable a farmer or their adult children to earn a living on the farm (replacing an off-farm job). It can be easier to earn income from tourism than from farming, and tourism is a growing industry. Hosting guests can also provide social contact, and pride from sharing farming practices and conservation efforts.

Recently, state planning legislation changes have made agritourism easier to develop on commercial farms. This was done to enable farmers to diversify their incomes, while protecting productive agricultural land by maintaining farming as the principal use of the land.

The four types of agritourism with simplified planning approval pathways are as follows.

Farm stay accommodation	Farm experience premises	Farm gate premises	Roadside stall
<ul style="list-style-type: none"><li>• Short stay accommodation such as cabins (in existing buildings or new buildings)</li><li>• Camping in tents and caravans</li><li>• Glamping</li></ul>	<p>Tourism experiences, such as</p> <ul style="list-style-type: none"><li>• Farm tours</li><li>• Horse riding</li><li>• Skills workshops</li><li>• Events, including weddings</li><li>• Farm animal interactions</li></ul>	<p>Interactions with the farm's produce, such as</p> <ul style="list-style-type: none"><li>• Tastings</li><li>• Cooking classes</li><li>• Cellar door</li><li>• 'Pick your own' experiences</li><li>• Retail sales of value-added produce, such as cheese or preserves</li><li>• School visits</li></ul>	<p>Sales of farm produce or handcrafted goods from a roadside stall</p>

These can only be developed on land where the main use of the land is the production of agricultural goods for commercial purposes. Agritourism on commercial farms must be secondary to, and supportive of, the farm's agricultural activities. It must not detract from farming, or become the more dominant activity.

You can develop agritourism offerings on your property if:

- Your property is a commercial farm (rather than a hobby farm), and
- The agritourism offering will be ancillary (secondary) to the farm.

NSW Planning Legislation defines a commercial farm as a farm on which agriculture is undertaken:

1. On [land that is categorised as farmland](#) (click on the link to see what is defined as farmland).
- or
2. That is a [primary production business](#) (or part of a primary production business), including a business that has temporarily ceased to be a primary production business because of a natural disaster (click on the link to see what is defined as a primary production business).

If you are not sure if your proposed agritourism offering will be ancillary to the farm, one of Council's Planning Officers can help you.



## Approval for your agritourism development

There are three pathways for Council planning approval of agritourism development: exempt development, complying development, and development approval.

**Exempt development provisions** in the state planning legislation enable you to establish a small-scale agritourism activity if the development meets certain conditions.

It is a quicker and low-cost way to start an agritourism business.

The conditions are outlined in the simple-to-understand guide called [Setting up an agritourism business](#).

**Complying development** is straightforward development that usually involves building work.

Complying development provisions enable you to build, extend, or modify structures for agritourism activities if the development meets certain conditions.

The conditions are outlined in the simple-to-understand guide called [Setting up an agritourism business](#).

The **development application pathway** must be used where a development does not meet all of the conditions for either exempt or complying development.

Read [Your Guide to the DA Process](#) to learn more about applying for development approval or complying development approval.

There are three stages where your development might need approvals or permits:

1. Planning approval to proceed (complying development approval or development approval).
2. Construction certificate if building works will be part of your development.
3. Operational permits (such as a food license or a liquor license, and permits for new driveways and new effluent disposal systems).

Some approvals are dependent upon other approvals, which means that you cannot apply until another approval has been granted (or an exemption issued). For example, you need development approval before you can apply for a construction certificate.

Some approvals need to be applied for at the same time. For example, if you need to upgrade a septic system or install a new septic system it should form part of the overall approval process.

Because of the complexities of approvals, a first step in your agritourism or tourism development should be a meeting with a Council Planning Officer or a planning consultant. This will prevent any (potentially expensive) surprises or time delays further down the track. You can arrange a free meeting with one of Council's Planning Officers by calling (02) 6333 6553.

### Temporary use of land

If you would like to temporarily offer agritourism or tourism on your farm, such as to trial a type of agritourism offering, development consent may be granted for a temporary use, for a maximum of 52 days (whether or not consecutive days) in any 12 month period. Learn about the [conditions for development consent for temporary use of land](#).

## The importance of compliance

The purpose of the planning legislation is to protect public health, wellbeing, and safety. Afterall, you wouldn't want your neighbours to be doing things on their farm that would impact your quality of life, such as hosting weddings every weekend with hundreds of cars driving down your dirt road and a loud reception party until 1am, or not managing their guest accommodation's septic waste or greywater properly and contaminating the creek that runs through your farm.

Compliance with legislation is also essential for business viability.

### What are the potential risks and consequences of not securing Council approval for your agritourism development?

If a development is not compliant, consequences can include the following:

- Exclusion from participating in the short-term rental accommodation industry by being placed on the Short Term Rental Accommodation Exclusion Register which is used by organisations such as Airbnb.
- Essential services may not be able to be connected or maintained. A tradesperson can lose their license (i.e. their livelihood) for non-compliant work, and therefore will likely turn down work on a non-compliant project.
- If infrastructure is not up to code, it may cause unintended injury, legal exposure, reputation damage, and stress, and may also negatively impact the guest experience, resulting in lower ratings in reviews and therefore reduced bookings/sales.
- You may not be able to secure insurance, or an insurance claim you make may not be honoured by your insurance company. The liability cost could be significant if a guest receives a permanent disability on your farm, and could even bankrupt your farm business.
- Once identified by Council, non-compliance could result in a potential future large cost to either retrofit your development to meet legal requirements, or demolish any non-complying infrastructure and start again. Alternatively, it could result in you not being allowed to use the infrastructure that you developed for agritourism, resulting in a loss of tourism income to pay off loans, if you took them out. This could also bankrupt your farm business.
- Non-compliance may result in unsafe working conditions for yourself, and staff and contractors.
- Non-compliance will limit your ability to promote your agritourism offering to potential customers, if you try to avoid Council learning about it. Destination marketers won't promote it, and your agritourism experience will not be able to be included in packages with other tourism businesses, or be sold through travel wholesalers such as travel agents and tour operators.
- Non-compliance may result in conflicts with neighbouring farms and the community, for example if noise is not managed by compliance and impacts neighbours.
- You may unintentionally build where extreme weather events such as floods and bushfire could destroy your infrastructure.
- It can be challenging to sell a non-compliant business and property, or sell it for its full value.

**You should never assume your development does not need approval, but should always check with one of Council's Planning Officers or a planning consultant.**

### What if I am already operating a tourism business without approval, or I am not sure if it is compliant?

There are too many risks to your business to continue to operate without being sure it is compliant with relevant legislation. Speak with one of Council's Planning Officers or a planning consultant as soon as you are able to find out what is required to become compliant.

## What types of agritourism and tourism can I have on my farm?

The following tables outline what types of agritourism and tourism developments are permitted on commercial farms in each land use zone in the Bathurst Local Government area where commercial farming is permitted. The definitions of each type of development, and the planning approval pathway for each, are outlined in the following sections.

Find your farm's land use zone in the left-hand column, then refer to the following columns to see which types of agritourism and tourism developments may be permitted in your land use zone, if required conditions are met.

Land use zone (below)	Agritourism accommodation and experiences	Tourism accommodation	Tourism experiences
Planning approval pathways (right)	Exempt or complying development or development approval	Development approval	Development approval
<b>RU1 Primary Production</b>	<ul style="list-style-type: none"> <li>Farm stay accommodation (camping, caravans and cabins)</li> <li>Farm experience premises</li> <li>Farm gate premises (includes Cellar door premises)</li> <li>Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>Tourist and visitor accommodation</li> <li>Backpackers' accommodation</li> <li>Bed and breakfast accommodation</li> <li>Camping grounds</li> <li>Primitive camping grounds</li> <li>Caravan parks</li> <li>Eco-tourist facilities</li> <li>Hotel or motel accommodation</li> <li>Serviced apartments</li> </ul>	<ul style="list-style-type: none"> <li>Artisan food and drink industries</li> <li>Food and drink premises</li> <li>Markets</li> <li>Function centres</li> <li>Pubs</li> <li>Small bars</li> <li>Restaurants or cafes</li> <li>Take away food and drink premises</li> <li>Charter and tourism boating facility</li> <li>Recreation facility (outdoor)</li> </ul>
<b>RU2 Rural Landscape</b>	<ul style="list-style-type: none"> <li>Farm stay accommodation (camping, caravans and cabins)</li> <li>Farm experience premises</li> <li>Farm gate premises (includes Cellar door premises)</li> </ul>	<ul style="list-style-type: none"> <li>Tourist and visitor accommodation</li> <li>Backpackers' accommodation</li> <li>Bed and breakfast accommodation</li> <li>Camping grounds</li> <li>Primitive camping grounds</li> <li>Caravan parks</li> <li>Eco-tourist facilities</li> <li>Hotel or motel accommodation</li> <li>Serviced apartments</li> </ul>	<ul style="list-style-type: none"> <li>Function centres</li> <li>Food and drink premises</li> <li>Kiosks</li> <li>Markets</li> <li>Artisan food and drink industry</li> <li>Pubs</li> <li>Small bars</li> <li>Restaurants or cafes</li> <li>Take away food and drink premises</li> <li>Charter and tourism boating facility</li> <li>Recreation facility (outdoor)</li> </ul>

Land use zone (below)	Agritourism accommodation and experiences	Tourism accommodation	Tourism experiences
Planning approval pathways (right)	Exempt or complying development or development approval	Development approval	Development approval
RU4 Primary Production Small Lots	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and breakfast accommodation</li> <li>• Camping grounds</li> <li>• Primitive camping grounds</li> </ul>	<ul style="list-style-type: none"> <li>• Artisan food and drink industries</li> <li>• Kiosks</li> <li>• Markets</li> <li>• Restaurants or cafes</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> </ul>
RU5 Village	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Tourist and visitor accommodation</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Camping grounds</li> <li>• Caravan parks</li> <li>• Eco-tourist facilities</li> <li>• Hotel or motel accommodation</li> <li>• Serviced apartments</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Artisan food and drink industry</li> <li>• Function centres</li> <li>• Kiosks</li> <li>• Markets</li> <li>• Pubs</li> <li>• Restaurants or cafes</li> <li>• Take away food and drink premises</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> <li>• Retail premises</li> </ul>
R1 General Residential	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Tourist and visitor accommodation</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Camping grounds</li> <li>• Caravan parks</li> <li>• Eco-tourist facilities</li> <li>• Hotel or motel accommodation</li> <li>• Serviced apartments</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Kiosks</li> <li>• Markets</li> <li>• Artisan food and drink industry</li> <li>• Function centres</li> <li>• Pubs</li> <li>• Restaurants or cafes</li> <li>• Take away food and drink premises</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> </ul>



Land use zone (below)	Agritourism accommodation and experiences	Tourism accommodation	Tourism experiences
Planning approval pathways (right)	Exempt or complying development or development approval	Development approval	Development approval
R5 Large Lot Residential	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and breakfast accommodation</li> <li>• Camping grounds</li> <li>• Caravan parks</li> </ul>	<ul style="list-style-type: none"> <li>• Kiosks</li> <li>• Markets</li> <li>• Function centres</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> </ul>
E3 Productivity Support	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Hotel or motel accommodation</li> <li>• Tourist and visitor accommodation</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Serviced apartments</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Function centres</li> <li>• Markets</li> <li>• Take away food and drink premises</li> <li>• Artisan food and drink industry</li> <li>• Kiosks</li> <li>• Pubs</li> <li>• Restaurants or cafes</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> </ul>
SP3 Tourist	<ul style="list-style-type: none"> <li>• Farm stay accommodation (camping, caravans and cabins)</li> <li>• Farm experience premises</li> <li>• Farm gate premises (includes Cellar door premises)</li> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Tourist and visitor accommodation</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Hotel or motel accommodation</li> <li>• Serviced apartments</li> <li>• Camping grounds</li> <li>• Caravan parks</li> <li>• Eco-tourist facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Kiosks</li> <li>• Markets</li> <li>• Function centres</li> <li>• Pubs</li> <li>• Restaurants or cafes</li> <li>• Take away food and drink premises</li> <li>• Charter and tourism boating facility</li> <li>• Recreation facility (outdoor)</li> </ul>
RE1 Public Recreation	<ul style="list-style-type: none"> <li>• Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>• Camping grounds</li> <li>• Caravan parks</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Function centres</li> <li>• Kiosks</li> <li>• Markets</li> </ul>

Land use zone (below)	Agritourism accommodation and experiences	Tourism accommodation	Tourism experiences
Planning approval pathways (right)	Exempt or complying development or development approval	Development approval	Development approval
RE2 Private Recreation	<ul style="list-style-type: none"> <li>Cellar door premises</li> <li>Roadside stalls</li> </ul>		<ul style="list-style-type: none"> <li>Food and drink premises</li> <li>Kiosks</li> <li>Markets</li> </ul>
C4 Environmental Living	<ul style="list-style-type: none"> <li>Farm stay accommodation (camping, caravans and cabins)</li> <li>Roadside stalls</li> </ul>	<ul style="list-style-type: none"> <li>Bed and breakfast accommodation</li> <li>Eco-tourist facilities</li> </ul>	<ul style="list-style-type: none"> <li>Recreation facilities (outdoor)</li> </ul>

*Wilga Station, Evans Plains, Destination NSW*



## Agritourism accommodation types

Note: In the state planning legislation, farm stay accommodation is different from other types of visitor accommodation, and has its own distinct requirements.

NSW Planning Legislation definition

A building or place—

- a. on a commercial farm, and
- b. ancillary to the farm, and
- c. used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Farm stay accommodation can include:

- Existing or new buildings used for short stay accommodation including cabins (with up to a total of 20 guest bedrooms)
- Tents, caravans, and other moveable dwellings.

Type of farm stay development		
<ul style="list-style-type: none"> <li>• Change the use of a rural workers' dwelling to farm stay accommodation</li> <li>• Host tents or caravans</li> <li>• Construct 'glamping' platforms</li> </ul>	<ul style="list-style-type: none"> <li>• Construct new buildings (e.g. cabins)</li> <li>• Change the use of, alter, or add to existing buildings for farm stay accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Construct new buildings, or change the use of, or alter or add to existing buildings for farm stay accommodation (where one or more of the exempt or complying development standards cannot be satisfied.)</li> </ul>
Pathway to approval		
<b>Exempt development</b> (no approval required)  See pages 23-28 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be exempt from approval.	<b>Complying development</b> (fast-track approval)  See pages 29-33 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be complying development.	<b>Development approval</b>  If your farm stay accommodation development does not meet the conditions for exempt or complying development as outlined in pages 23-33 of the <a href="#">Setting up an agritourism business</a> guide you will need to submit a Development Application for approval from Council.

## Tourism accommodation types

The following types of tourism accommodations may also be permitted on farms, but all require development approval from Council.

Accommodation type	NSW Planning Legislation definition
<b>Tourist and visitor accommodation</b>	<p>A building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—</p> <ul style="list-style-type: none"> <li>a. backpackers' accommodation,</li> <li>b. bed and breakfast accommodation,</li> <li>c. farm stay accommodation,</li> <li>d. hotel or motel accommodation,</li> <li>e. serviced apartments,</li> </ul> <p>but does not include—</p> <ul style="list-style-type: none"> <li>f. camping grounds, or</li> <li>g. caravan parks, or</li> <li>h. eco-tourist facilities.</li> </ul>
<b>Backpackers' accommodation</b>	<p>A building or place that—</p> <ul style="list-style-type: none"> <li>a. provides temporary or short-term accommodation on a commercial basis, and</li> <li>b. has shared facilities, such as a communal bathroom, kitchen or laundry, and</li> <li>c. provides accommodation on a bed or dormitory-style basis (rather than by room).</li> </ul>
<b>Bed and breakfast accommodation</b>	<p>An existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—</p> <ul style="list-style-type: none"> <li>a. meals are provided for guests only, and</li> <li>b. cooking facilities for the preparation of meals are not provided within guests' rooms, and</li> <li>c. dormitory-style accommodation is not provided.</li> </ul> <p>The accommodation that is provided to guests must consist of no more than 5 bedrooms.</p>

Accommodation type	NSW Planning Legislation definition
Camping grounds	<p>An area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—</p> <ul style="list-style-type: none"> <li>a. a caravan park (an area of land, with access to communal amenities, used [to host] caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation), or</li> <li>b. farm stay accommodation [i.e. camping on a commercial farm].</li> </ul>
Caravan parks	<p>An area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings (but does not include farm stay accommodation).</p>
Eco-tourist facilities	<p>A building or place that—</p> <ul style="list-style-type: none"> <li>a. provides temporary or short-term accommodation to visitors on a commercial basis, and</li> <li>b. is located in or adjacent to an area with special ecological or cultural features, and</li> <li>c. is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</li> </ul> <p>It may include facilities that are used to provide information or education to visitors and to exhibit or display items.</p> <p>See the <a href="#">requirements for eco-tourist facilities</a>.</p>
Hotel or motel accommodation	<p>A building or place (whether or not licensed to sell alcohol) that provides temporary or short-term accommodation on a commercial basis and that—</p> <ul style="list-style-type: none"> <li>a. comprises rooms or self-contained suites, and</li> <li>b. may provide meals to guests or the general public and facilities for the parking of guests' vehicles,</li> </ul> <p>It does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation, or farm stay accommodation.</p>
Primitive camping grounds	
Serviced apartments	<p>A building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis, and that is regularly serviced or cleaned by the owner or manager of the building or part of the building, or the owner's or manager's agents.</p>

## Do I need approval from Council to host camping on Hipcamp or list accommodation on Airbnb?

All types of guest accommodation and camping and caravanning need to be compliant with relevant legislation. Aside from development approval, there may be other permits or licenses required by your business.

### Hipcamp

NSW Planning's [Setting up an agritourism business guide](#) clearly outlines the conditions that all must be met to host campers and caravanners on your farm without development approval from Council (as exempt development) (see pages 26-27 in the guide).

### Airbnb

Short-term rental accommodation (STRA) is accommodation in residential homes made available to guests on a commercial basis for a short-term period. STRA is often marketed through online booking platforms such as Airbnb and Booking.com.

- Hosted STRA is where the host resides on the premises during the provision of accommodation to guests.
- Non-hosted STRA is where the host does not reside on the premises during the provision of accommodation to guests.

Lawfully constructed residential dwellings that are permitted to be used as residential accommodation can use the exempt development pathway for STRA. Typical rural residential dwellings that can be used for STRA include a house, or a secondary dwelling such as a granny flat. However, rural workers' dwellings and moveable dwellings such as tiny homes and caravans are not permitted for use for STRA.

STRA is not a tourist and visitor accommodation land use (tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis), and a property used for STRA remains a residence. Approved tourist and visitor accommodations, such as farm stays, bed and breakfasts, hotels, motels, camping grounds and caravan parks, are not required to register for STRA. These types of accommodations can also be listed on online platforms such as Airbnb and Booking.com.

Because farm stay accommodation is a tourist and visitor accommodation land use, it does not fall within the definition of short-term rental accommodation. A farm stay accommodation is "a building or place, on a commercial farm, and ancillary to the farm, used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings."

If you are unsure of the status of your accommodation, contact one of Council's Planning Officers or a planning consultant for confirmation.

A mandatory [Code of Conduct for the Short-term Rental Accommodation Industry](#) sets out the legal responsibilities for all industry participants. A host must act lawfully, which includes being compliant with planning laws. Anyone who contravenes the Code of Conduct is put on the [STRA Exclusion Register](#) which means they are excluded from participating in the short-rental accommodation industry.

Learn more at [www.planning.nsw.gov.au/policy-and-legislation/housing/short-term-rental-accommodation](http://www.planning.nsw.gov.au/policy-and-legislation/housing/short-term-rental-accommodation)



## Agritourism offerings

The following types of agritourism experiences may be permitted on farms, depending on the land use zone the farm is in.

Farm experience premises	Farm gate premises	Cellar doors	Roadside stalls
<b>NSW Planning Legislation definition</b>			
<p>A building or place—</p> <ul style="list-style-type: none"> <li>a. on a commercial farm, and</li> <li>b. ancillary to the farm, and</li> <li>c. used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities (not including motor sports)</li> </ul>	<p>A building or place—</p> <ul style="list-style-type: none"> <li>a. on a commercial farm, and</li> <li>b. ancillary to the farm, and</li> <li>c. used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—</li> <li>d. processing, packaging and sale of the products, but not the processing of animals,</li> <li>e. the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,</li> <li>f. tastings or workshops,</li> <li>g. the provision of information or education related to the products.</li> </ul>	<p>A building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.</p>	<p>A place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated (or from an adjacent property).</p>

Farm experience premises	Farm gate premises	Cellar doors	Roadside stalls
<b>Type of farm stay development</b>			
<ul style="list-style-type: none"> <li>• Horse riding</li> <li>• Farm tours</li> <li>• Functions and weddings</li> <li>• Farm field days</li> </ul>	<ul style="list-style-type: none"> <li>• Café</li> <li>• Tastings</li> <li>• Workshops</li> </ul>	<ul style="list-style-type: none"> <li>• Cellar door</li> </ul>	<ul style="list-style-type: none"> <li>• Roadside stall</li> </ul>
<b>Pathway to approval</b>			
<p><b>Exempt development</b> (no approval required)</p> <p>See pages 42-44 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be exempt from approval.</p> <p><b>Complying development</b> (fast-track approval)</p> <p>See pages 44-47 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be complying development.</p> <p><b>Development application</b></p> <p>The development application pathway must be used where you do not meet all of the conditions for either exempt or complying development.</p> <p>Read <a href="#">Your Guide to the DA Process</a>.</p>	<p><b>Exempt development</b> (no approval required)</p> <p>See pages 35-37 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be exempt from approval.</p> <p><b>Complying development</b> (fast-track approval)</p> <p>See pages 38-40 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be complying development.</p>	<p><b>Exempt development</b> (no approval required)</p> <p>See pages 49-50 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be exempt from approval.</p> <p>Note: The gross floor area can be up to 30m<sup>2</sup>.</p>	

## Non-accommodation tourism offerings

The following types of tourism experiences may also be permitted on farms, but all require development approval from Council.

Tourism experience type	NSW Planning Legislation definition
<b>Food-related experiences</b>	
Food and drink premises	<p>Premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p> <ul style="list-style-type: none"> <li>a. a restaurant or cafe,</li> <li>b. take away food and drink premises,</li> <li>c. a pub,</li> <li>d. a small bar.</li> </ul>
Artisan food and drink industry	<p>A building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</p> <ul style="list-style-type: none"> <li>a. a retail area for the sale of the products,</li> <li>b. the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,</li> <li>c. facilities for holding tastings, tours or workshops.</li> </ul>
Function centres	Building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility (a theatre, cinema, music hall, concert hall, dance hall and the like).
Kiosks	Premises that are used for the purposes of selling food, light refreshments and other small convenience items.
Markets	An open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
Pubs	Licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Tourism experience type	NSW Planning Legislation definition
<b>Food-related experiences</b>	
Restaurants or cafes	<p>A building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</p> <p>This does not include the preparation and serving of food and drink to people that occurs as part of—</p> <ul style="list-style-type: none"> <li>a. an artisan food and drink industry, or</li> <li>b. farm gate premises.</li> </ul>
Small bars	A bar that holds a maximum of 120 patrons and does not have gaming machines.
Take away food and drink premises	Premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.
<b>Other types of experiences</b>	
Charter and tourism boating facility	Any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.
Recreation facility (outdoor)	<p>A building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings).</p> <p>It does not include an entertainment facility (facility (a theatre, cinema, music hall, concert hall, dance hall and the like), or a recreation facility (major) (a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks).</p>

Tourism experience type	NSW Planning Legislation definition
Other types of experiences	
Retail premises	<p>A building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—</p> <ul style="list-style-type: none"> <li>a.</li> <li>b.</li> <li>c. food and drink premises,</li> <li>d. garden centres,</li> <li>e. hardware and building supplies,</li> <li>f. kiosks,</li> <li>g. landscaping material supplies,</li> <li>h. markets,</li> <li>i. plant nurseries,</li> <li>j. roadside stalls,</li> <li>k. rural supplies,</li> <li>l. shops,</li> <li>m. specialised retail premises,</li> <li>n. timber yards,</li> <li>o. vehicle sales or hire premises,</li> </ul> <p>but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.</p> <p>See the <a href="#">NSW Planning Legislation Dictionary</a> for definitions of any of these.</p>

## Events

Farmers can also host tourism events on their farm. If an event meets certain conditions, it can go through either the exempt and complying development pathways; otherwise it will require development approval. Learn about event approval.

## Agritourism developments that are exempt from requiring approval

The following types of development are exempt development (i.e. they do not require development approval) if the development meets the specified conditions. It is important to check with a Council Planning Officer that your development does meet all the conditions.

Type of development		
<ul style="list-style-type: none"> <li>Roadside stall</li> </ul>	<ul style="list-style-type: none"> <li>Tents</li> <li>Glamping Platforms</li> <li>Caravans</li> <li>Campervans</li> <li>Camper trailers</li> <li>Building platforms or decks for glamping tents</li> <li>Building platforms or decks or shelters for a food preparation area, such as an outdoor kitchen for campers</li> <li>BBQ shelters</li> <li>Minor external building alterations</li> <li>Minor internal building alterations</li> <li>A pathway or paving</li> <li>A driveway</li> <li>Erecting a sign</li> </ul>	<ul style="list-style-type: none"> <li>Construct a new building for farm stay accommodation</li> <li>Modify, alter or extend an existing building or manufactured home for farm stay accommodation</li> <li>Change the use of one of the following to a farm stay accommodation:               <ul style="list-style-type: none"> <li>An existing house</li> <li>A manufactured home</li> </ul> </li> </ul> <p><i>Note: As exempt development, you can change the use of a farm stay accommodation back to the type of residential accommodation it was previously. This means that, for example, you can use the building for part of the year as a rural workers dwelling for farm workers and for part of the year as a farm stay accommodation for paying guests.</i></p>
See page 50 of the <a href="#">Setting up an agritourism business</a> guide for the standards for roadside stalls under exempt development.	See pages 26-28 of the <a href="#">Setting up an agritourism business</a> guide for the standards you have to meet for the following to be exempt development.	See page 24 of the <a href="#">Setting up an agritourism business</a> guide for the standards you have to meet for changing the use of residential accommodation or a manufactured home to farm stay accommodation to be exempt development.

If you cannot meet the development standards for exempt development, you will need to lodge a development application with Council.



## Complying (fast track) agritourism developments

Fast-track complying development is a combined planning and construction approval for straightforward development that can be determined through a fast-track assessment by a Council or an accredited certifier. The following types of development can go through the complying development approval pathway if they meet the specified conditions.

Type of development			
<ul style="list-style-type: none"> <li>Change the use of an existing building that is not residential accommodation to farm stay accommodation</li> <li>Change the use of the farm stay accommodation back to the previous use of the building</li> <li>Modify, alter or extend an existing building or manufactured home for farm stay accommodation</li> </ul> <p><i>Note: Under complying development, you can change the use of a farm stay accommodation back to the type of non-residential building it was previously. See page 31 of the <a href="#">Setting up an agritourism business</a> guide for the standards you have to meet for reverting farm stay accommodation to the building's previous use (where the previous use wasn't residential accommodation) under complying development.</i></p>	<ul style="list-style-type: none"> <li>Construct a new building for farm stay accommodation</li> </ul>	<ul style="list-style-type: none"> <li>Farm experience premises such as farm tours</li> </ul>	<ul style="list-style-type: none"> <li>Farm gate premises, such as tasting experiences, workshops, and cellar doors</li> </ul>
See pages 29-30 of the <a href="#">Setting up an agritourism business</a> guide for the standards you have to meet for changing existing buildings to farm stay accommodation under complying development.	See pages 32-33 of the <a href="#">Setting up an agritourism business</a> guide for the standards you have to meet for constructing a new building for farm stay accommodation under complying development.	See pages 44-47 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be complying development.	See pages 38-40 of the <a href="#">Setting up an agritourism business</a> guide for details on the standards your development have to meet to be complying development.

If you cannot meet the development standards for complying development, you can lodge a development application with Council.

## Planning approval steps to developing agritourism and tourism developments on your farm

Step	Description
1. Read <a href="#">Setting up an agritourism business</a>	If you are considering developing any type of agritourism on your farm, read – in its entirety – the comprehensive and helpful guide called <a href="#">Setting up an agritourism business</a> . The guide will help you understand what types of agritourism developments can take place on your farm, and what are the conditions to be met to not need approval, or to be able to use fast track approval known as complying development. Note any additional requirements relevant to your development, such as requiring a food safety license, a traffic management plan, a biosecurity management plan, and/or a bush fire safety plan.
2. Read Council's <a href="#">Development Control Plan</a>	Council's <a href="#">Development Control Plan</a> (DCP) provides supplementary detailed guidance for developments in Oberon. Read any sections that are relevant to your development.
3. Meet with a Council Planning Officer or an independent Planning Consultant	<p>When you first have the idea in your mind of the possibility of developing agritourism or tourism on your farm, and before you settle on any particular type or scale of development, meet up with one of Council's Planning Officers who can help guide you towards a type of development with fewer compliance requirements.</p> <p>It would also be ideal to have Council's Tourism and Economic Development Manager join this meeting. They can support your development with advice about the types of tourism the region needs more of, and the types of visitors to the region to design your offering for. They will also connect you with the support that the wider tourism industry can provide to your business.</p> <p>You may wish to write down your idea and/or sketch out a map of your property and where the development would be, and any other important information about your property e.g. where farm activities take place, flood zone, environmentally sensitive areas, and so on. You can see what types of overlays (such as bushfire risk and flood risk) lie over your property at <a href="http://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address">www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address</a></p> <p>Even if you believe your development would meet all the conditions for Exempt development and therefore you would not need approval from Council, have a combined meeting with Council's Planning Officer and Tourism and Economic Development Manager to go through your idea.</p> <p>If you do need approval, this early advice will likely save you time, money and frustration. They may be able to identify opportunities to decrease compliance requirements and save you money, such as by recommending a slightly different location on your property for your development. Also discuss the supporting documentation required for development approval, if required, and any other requirements, such as licenses and other permits.</p> <p>You can arrange a free meeting with one of Council's Planning Officers by calling (02) 6333 6553. Alternatively, you may wish to consult with a certified planning consultant instead.</p>
4. Talk with your neighbours	Talk with your neighbours while you are planning your development to identify any concerns you will need to address, such as an increase in traffic, the impact of cars turning into your property, signage, and making sure visitors do not trespass onto neighbouring properties, or cause nuisance, damage, or safety issues to your neighbours.
5. Plan out your development	Undertake detailed planning for the agritourism or tourism offering you'd like to offer on your farm. It is recommended you develop a <a href="#">business plan</a> and a <a href="#">marketing plan</a> for it.

Step	Description
6. Apply for approval	<p>It is recommended that you hire a planning consultant to prepare your approval application, if you require one (either an application for complying development or for development approval). Your application must include:</p> <ul style="list-style-type: none"> <li>• A clear concise description of the proposed development</li> <li>• The landowner's consent</li> <li>• The estimated cost of the development (a Cost Estimate report)</li> <li>• A site plan of the land</li> <li>• A sketch plan of any proposed new dwellings indicating floor layouts and proposed external finishes and heights</li> <li>• An environmental assessment called a Statement Of Environment Effects.</li> </ul> <p>Your site plan should indicate (where applicable):</p> <ul style="list-style-type: none"> <li>• The location of the property, its boundary measurements (how long each side of the property is), and the site area</li> <li>• The location of existing vegetation and trees on the land</li> <li>• The location and uses of all existing buildings on the land</li> <li>• The location and uses of buildings on properties adjoining the land</li> <li>• The location of proposed new buildings or works in relation to boundaries of the land</li> <li>• Proposed vehicular access points</li> <li>• Proposed methods of draining the land.</li> </ul> <p>Apply via <a href="http://www.planningportal.nsw.gov.au/onlineDA">www.planningportal.nsw.gov.au/onlineDA</a>. Applicants are required to pay a digital application processing fee for certain planning applications and certificates.</p> <p>If you are doing building work, once your development application has been approved, you will also need to get a construction certificate and appoint Council or a <a href="#">registered certifier</a> as the principal certifier before any building work can begin.</p>

## Other permits, licenses and requirements

There are a range of other permits, licenses and other requirements to consider when developing agritourism or tourism on your farm, such as food and alcohol licenses, bushfire safety, complying with the Building Code of Australia, accessibility for people with a disability, traffic management, placement of signage, waste management, biosecurity, removing vegetation, and conservation of wildlife habitat, amongst others.

Please read pages 18-20 of the [Setting up an agritourism business](#) guide for further information on these.

## Local contacts and agritourism development resources

Phase of development	Purpose / help available	Organisation	Contact Details
I'm interested to learn if agritourism or tourism is right for me	Would agritourism be right for my family and my farming calendar?	Australian Regional Tourism	<a href="#">Enabling Agritourism: A guide for farmers planning to diversify</a>
	What types of agritourism can I develop on my farm? (without and with approval)	NSW Planning	<a href="#">Setting up an agritourism business</a> guide – this is a key resource See NSW Planning's <a href="#">other agritourism resources</a>
		<a href="#">Bathurst Regional Council</a>	Planning Officer (02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
		Independent certifier	
	What types of agritourism are needed in this region that I could consider? (and what types does the region have too many of?)	<a href="#">Bathurst Regional Council</a>	Economic Development Manager (02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
I'm interested in learning more about developing an agritourism or tourism offering	Visitors to Central West NSW – who they are and what they want from an agritourism experience	<a href="#">Bathurst Regional Council</a>	Economic Development Manager (02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
	Developing a tourism experience	Destination NSW	<a href="#">NSW First</a> online training program: Develop module
		Destination NSW	<a href="#">Developing agritourism</a> guides: <ul style="list-style-type: none"> <li>• What are visitors looking for?</li> <li>• Creating bookable agritourism experiences</li> <li>• How to create world-class agritourism experiences</li> </ul>
		Destination Central West	Industry Development Officer <a href="mailto:info@dncw.com.au">info@dncw.com.au</a> Take their brief <a href="#">Agritourism Readiness Survey</a>
		Wine Australia	<a href="#">Growing Wine Tourism</a> recorded webinar series

Phase of development	Purpose / help available	Organisation	Contact Details
I'm interested in learning more about developing an agritourism or tourism offering (cont.)	Being connected into the tourism industry	Local, regional and state tourism organisations	Sign up to receive tourism industry newsletters from: <ul style="list-style-type: none"> <li>• <a href="#">Destination Central West</a></li> <li>• <a href="#">Destination NSW</a></li> <li>• <a href="#">Tourism Australia</a></li> </ul>
	Financial planning, including tax implications	Financial advisor	
	Business planning and advice	Service NSW	<a href="#">Business Bureau</a>
	What is required to secure planning approval	NSW Planning	<a href="#">Setting up an agritourism business</a> guide
		<a href="#">Bathurst Regional Council</a>	Planning Officer (02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
		Independent certifier	
	Biosecurity planning	Local Land Services	<a href="#">Central Tablelands Local Land Services</a>
	Bushfire safety	<a href="#">NSW Rural Fire Service</a>	<a href="#">NSW Rural Fire Service</a>
	Food safety licensing	<a href="#">Bathurst Regional Council</a>	(02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
	Alcohol licensing	<a href="#">Liquor and Gaming NSW</a>	<a href="#">Liquor and Gaming NSW</a>
	Insurance (agritourism insurance is usually separate from a 'farm pack' insurance product)	Insurance broker	
	Construction	Registered builder	

Phase of development	Purpose / help available	Organisation	Contact Details
I'm ready to promote my agritourism or tourism offering	Advice on how to market effectively	<a href="#">Bathurst Regional Council</a>	Economic Development Manager (02) 6333 6553 <a href="mailto:council@bathurst.nsw.gov.au">council@bathurst.nsw.gov.au</a>
	Basic training in tourism marketing	Destination NSW	<a href="#">NSW First</a> online training program: Promote and Sell modules
	Learn how to sell via third parties such as travel agents and tour operators by paying commission	Australian Tourism Export Council (ATEC)	<a href="#">Tourism Trade Ready</a> program







Department of Primary Industries  
and Regional Development

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